

2312-103
SAS:elp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Simon MOLLER et al.

Serial No. 09/439,534

Filed: 12 November 1999

For: INDUCIBLE SITE-SPECIFIC
RECOMBINATION FOR THE
ACTIVATION AND REMOVAL
OF TRANSGENES IN
TRANSGENIC PLANTS



Box Missing Parts

) Attention:
Applications Branch

)

)

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RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to a Notice to File Missing Parts of Application under 37 CFR 1.53(b) dated 15 December 1999, response copy attached, a Declaration and Power of Attorney identifying the above-referenced application by Serial Number and Filing Date is being herewith submitted.

Also attached is a check in payment of the following fees:

\$ 65.00 (surcharge under 37 C.F.R. 1.16(e))
380.00 (basic filing fee)
633.00 (additional claims fee)
\$1,078.00 TOTAL

Please charge any additional fees or credit any overpayment for the payment of the filing fee, any extra claims fees or the surcharge to deposit account number 02-2135. An additional copy of this letter is enclosed for that purpose.

The following document(s) is/are being submitted concurrently:

A declaration claiming small entity status.

The following document(s) is/are being submitted concurrently under separate cover:

An Assignment, together with PTO form 1595 and a separate check for \$40.00.

Respectfully submitted,

By Stephen A. Saxe

Stephen A. Saxe, Ph.D.
Attorney for Applicants
Registration No. 38,609
ROTHWELL, FIGG, ERNST & KURZ, p.c.
Suite 701-E, 555 13th Street, N.W.
Washington, D.C. 20004
Telephone: (202)783-6040

Dated 8 February 2000
2312-103.NMP

Box Missing Parts

1/13/2000

FEE TRANSMITTAL (Small Entity)		Complete if Known	
		Application Number	09/439,534
		Filing Date	12 November 1999
		First Named Inventor	Simon MOLLER et al.
		Group Art Unit	1643
		Examiner Name	Not Assigned
Total Amount of Payment	(\$1,078.00)	Attorney Docket Number	2312-103

METHOD OF PAYMENT (check one)

The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Kurz

Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

Charge for the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

Payment Enclosed: Check

FEE CALCULATION**1. FILING FEE**

Fee Description	Fee Code	Fee Paid
[X] Utility Filing Fee	201	380
[] Design Filing Fee	206	155
[] Plant Filing Fee	207	240
[] Reissue Filing Fee	208	345
[] Provisional Filing Fee	214	75

SUBTOTAL \$380.00**2. CLAIMS**

	Fee from Extra below	=	Fee Paid
Total Claims	73 - 20 =	53 x 9	= 477
Independent Claims	7 - 3 =	4 x 39	= 156
Multiple Dependent Claims		+ 130	=

SUBTOTAL \$633.00

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$65.00**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Fee Description	Fee Code	Fee Paid
[X] Surcharge - late filing fee or oath	205	65
[] Surcharge - late provisional filing fee or cover sheet	227	25
[] Non-English specification	139	130
[] For filing a request for reexamination	147	2,520
[] Requesting publication of SIR prior to Examiner action	112	920
[] Requesting publication of SIR after Examiner action	113	1,840*
[] Extension for reply within first month	215	55
[] Extension for reply within second month	216	190
[] Extension for reply within third month	217	435
[] Extension for reply within fourth month	218	680
[] Extension for reply within fifth month	228	925
[] Notice of Appeal	219	150
[] Filing a brief in support of an appeal	220	150
[] Request for Oral Hearing	221	130
[] Petition to institute a public use proceeding	138	1,510
[] Petition to revive -unavoidable	240	55
[] Petition to revive - unintentional	241	605
[] Utility issue fee (or reissue)	242	605
[] Design issue fee	243	215
[] Plant issue fee	244	290
[] Petitions to the Commissioner	122	130
[] Petitions related to provisional applications	123	50
[] Submission of Information Disclosure Statement	126	240
[] Recording each patent assignment per property (times number of properties)	581	40
[] Filing a submission after final rejection (37 CFR 1.129(a))	246	345
[] For each additional invention to be examined (37 CFR 1.129(b))	249	345

[]

SUBMITTED BY		Complete (if applicable)		
NAME & REG. NUMBER	Stephen A. Saxe, Ph.D., Reg. No. 38,609			
SIGNATURE	Stephen A. Saxe	DATE	8 February 2000	DEPOSIT ACCOUNT USER ID
				02-2135



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/439,534 11/12/99 MOLLER

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0262/1215

STEPHEN A SAXE
ROTHWELL FIGG ERNST AND KUEHN
SUITE 701 EAST
555 13TH STREET NW
WASHINGTON DC 20004

NOT ASSIGNED

O I P E
FEB 08 2000 JC16

PATENT AND TRADEMARK OFFICE

1643

DATE MAILED:

12/15/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
 small entity (statement filed) **non-small entity is \$ 2150-**

1. The statutory basic filing fee is:

missing.
 insufficient.

Applicant must submit \$ 760- to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ 954- for 53 total claims over 20.

\$ 312- for 4 independent claims over 3.

\$ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unsigned.
 does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

D. Durham

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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